

-12776



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

AUG 2 1990

REPLY TO THE ATTENTION OF:
5HS-11

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Superior Toy & Manufacturing Co., Inc.
a/k/a Carter Manufacturing Company
2020 Harrison Street
Rockford, Illinois 61108

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA for Southeast Rockford Site in Rockford, Illinois, hereinafter referred to as "the Site."

Dear Sir or Madam:

The United States Environmental Protection Agency (USEPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants at the Southeast Rockford Site in Rockford, Illinois. This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at or near the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(e), amended by Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request with thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by USEPA. Pursuant to Section 3008 of RCRA, USEPA may seek the imposition of penalties up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance; and Section 104(e)(5) of CERCLA, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by USEPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to

ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001.

USEPA has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

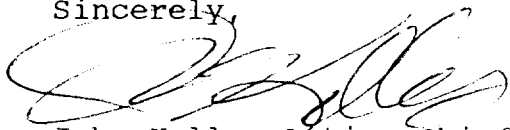
Your response to this Information Request should be mailed to:
Karen Vendl
U.S. Environmental Protection Agency (5HS-11)
230 South Dearborn Street
Chicago, Illinois 60604

If you have any legal questions, please direct such questions to Ms. Elizabeth Doyle, Assistant Regional Counsel, at (312) 886-7951. If you have any other questions, please direct such questions to Ms. Vendl at (312) 886-4739.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, USEPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Kelly", is written over the word "Sincerely,".

John Kelly, Acting Chief
Remedial Enforcement Response Branch

Enclosure

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to the respondent as of the date of submission of his/her response, should information later become known by or available to the respondent, respondent must supplement its response to U.S. EPA. Moreover, should the respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA thereof as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating

that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice of the Respondent at the Facility. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.

8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identifying the person to whom it was transferred, describe the circumstances surrounding each transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR 2.203(b). Information covered by such claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985).] If no such claim accompanies the

information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Facility" shall mean and include the property commonly known as 2020 Harrison Street, Rockford, Illinois.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.

6. The terms "furnish," "describe," "identify" or "indicate" shall mean turning over to the U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching,

dumping, or disposing into the environment including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. "Transaction" means every separate act, deal, instance or occurrence.

12. As used herein, "document(s)" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory): including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which

has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

13. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.

14. The term "property interest" means any interest in property, including, without limitation, any ownership interest, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned and rented property.

Requests

1. Identify the person(s) answering these questions on behalf of Respondent.

2. Describe your property interest in the Facility.

a. For what period of time have you possessed this property interest.

b. From whom did you acquire this property interest.

3. Provide information about the Facility, including but not limited to the following:

a. Surface structures (e.g., buildings, tanks, etc.);

b. Ground water wells, including drilling logs;

c. Any and all additions, demolitions or changes of any kind on, under or about the Facility, its physical structures or to the property itself (excavation work); and any planned additions, demolitions or other changes to the site.

4. Are there or were there ever any underground storage tanks on Facility property. If so, describe their contents and their condition and, if you have ever removed underground storage tanks from Facility property, when they were removed and how.

5. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Facility.

6. Identify all leaks, spills or releases into the environment of any hazardous substance, pollutant, or contaminant that have occurred at or from the Facility. In addition, identify,

a. When such releases occurred;

b. How the releases occurred;

c. The amount of each hazardous substance, pollutant, or contaminant so released;

d. Where such releases occurred;

e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release

f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release, including the results of any soil, water (ground and surface), or air testing undertaken; and

g. All persons with information relating to these releases.

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of hazardous substances or materials from the Facility.

8. Provide copies of all contracts, shipping documents, or other business documents including receipts relating to the transportation, storage and/or disposal of waste materials from the Facility.

9. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

10. Identify the prior owners and/or operators of the Facility.

For each prior owner, further identify:

a. The dates of ownership and/or operations;

b. The nature of prior operations at the Facility;

c. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Facility during the period they owned and/or operated the Facility.

11. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Facility, including but not limited to the report prepared by ENSR Consulting and Engineering, dated October 1988. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

P-175 505 816

RECEIPT FOR CERTIFIED MAIL

INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
See Reverse

Sent to Superior Toy & Mfg. Co. Inc. aka Carter Mfg. Co.	
Street and No. 2020 Harrison St	
City, State, and Zip Rockford, IL 61108	
Postage	65
Insurance	85
Return Receipt (if any)	90
TOTAL Postage and Fees	240
Postmark or Date	

Vendor (STS) 11

PS Form 3800, June 1985

<p>SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.</p> <p>Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p>							
<p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge)</p>	<p>2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>						
<p>3. Article Addressed to: Superior Toy & Mfg. Co. Inc. aka Carter Mfg. Co. 2020 Harrison St. Rockford, IL 61108</p>	<p>4. Article Number P175 505 816</p> <p>Type of Service:</p> <table border="0"> <tr> <td><input type="checkbox"/> Registered</td> <td><input type="checkbox"/> Insured</td> </tr> <tr> <td><input type="checkbox"/> Certified</td> <td><input type="checkbox"/> COD</td> </tr> <tr> <td><input type="checkbox"/> Express Mail</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> </table> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>	<input type="checkbox"/> Registered	<input type="checkbox"/> Insured	<input type="checkbox"/> Certified	<input type="checkbox"/> COD	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Registered	<input type="checkbox"/> Insured						
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<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise						
<p>5. Signature - Addressee X <i>[Signature]</i></p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p>						
<p>6. Signature - Agent X <i>[Signature]</i></p>							
<p>7. Date of Delivery 21 90</p>							